REMARKS

Claims 1-4, 6, 7, 10-14, 16,17 and 20-22 are currently pending and rejected. Claims 5, 8, 9, 15, 18, and 19 were previously canceled. Claim 20 is herein canceled. Claims 23-30 are herein added.

The Examiner rejected Claims 1-4, 6, 7, 11-14, 16, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over Müller et al (U. S. Patent No. 4,742,667) in view of Kelbrick et al (U.S. Patent No. 5,534,222) and Kümmerer (U.S. Patent No. 4,936,486). Further, Claims 10, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Müller et al, Kelbrick et al, and Kümmerer as applied to claims 1, 11, and 21 above, and further in view of Caudill (U. S. Patent No. 5,007,232).

The Applicants respectfully traverse the 103(a) rejection with the following multiple arguments. The cited combination rejecting independent claims 1, 11, and 21 fail to teach, or suggest, each and every element of the cited claims, as amended.

Specifically, neither Müller, Kelbrick, nor Kümmerer teach, or suggest, "a second supply source providing a non-intermittent supply of hot sterile air to a conduit, wherein said conduit is operationally coupled between said atomizing system and a container, and wherein said atomized sterilant is intermittently added to said conduit ", as disclosed in claim 1, as amended. Further, the combination does not teach or suggest "means for applying a second source of hot sterile air non-intermittently to a volume; means for applying the atomizing sterilant intermittently to the volume thereby mixing the second source of non-intermittent hot sterile air with the atomizing sterilant," as disclosed in claim 21, as amended.

For example, Müller clearly *inter alia* does not teach or suggest the "second supply source...of hot sterile air", non-intermittent, or otherwise. Further, the sterilization method in Kelbrick, as admitted by the Examiner, does not have a non-intermittent second supply of hot air coupled with an intermittent atomized sterilant to which it is added, as in the present invention.

Another reason the cited combination fails is that Kelbrick *et al.* does not pertain to the art conducted in the present invention. The rejections should be withdrawn because there is no reason one skilled in the art of sterilizing containers would turn to Kelbrick, which discloses a method *for sterilizing a cabinet machine* and not containers. Further, it appears that Kelbrick is subsequently heating the atomized sterilant in the blower device 5 prior to its ultimate application. There is no teaching, reason, or suggestion, in Kelbrick as to why one skilled in the art would desire to add either a second supply source of hot sterile air, nor to make said second supply non-intermittent.

Further, there is a clear teaching away from the present invention in Kelbrick. On page 2-3 of the Final Office Action the Examiner alleges that "[i]t would have been obvious to one of ordinary skill in the art to provide sterile air in the method and apparatus of Müller et al in order to avoid recontamination of the sterilized container." "[I]t would have been obvious to one of ordinary skill in the art to either substitute the heat source of Kelbrick et al for that of Müller et al or to use it *in addition to* the heat source of Müller et al." The teaching of Kelbrick is completely opposite of the above stated allegation by the Examiner. Most of the specification, and all of the claims, in Kelbrick discuss sterilizing a cabinet, and *not* containers (*See* Kelbrick *supra*). However, the specification does disclose briefly sterilization of the individual containers (See Col. 2, lines 29-42). In that section of Kelbrick the sterilization in the container sterilization station 17 of the containers is by the spraying of "aqueous hydrogen peroxide" "by means of a spray nozzle 18". There is no teaching, or suggestion, mixing the aqueous hydrogen peroxide with anything else (e.g., sterile air, etc.) when sterilizing containers. This is especially revealing wherein this disclosure of how to sterilize a container is juxtaposed with the rest of the specification of Kelbrick wherein an entirely different method of sterilizing a cabinet is discussed. Assuming *arguendo* that the portion of Kelbrick discussing, and claiming, sterilizing a cabinet does include mixing sterile air with the atomized sterilant, the fact that the container sterilizing portion (i.e., Col. 2, lines 29-42) of the specification makes no mention of mixing sterile air is a clear teaching away of

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sterilizing containers as in the present invention. Respectfully, the Examiner merely conducted an improper hindsight analysis in order the "create" a combination of disparate parts that is an equivalent to the claimed invention. There is no substantiation, or reasoning, for making the disparate combinations that the Examiner is alleging.

Further, the rejection of independent claim 11 should be withdrawn because the cited combination does not teach, or suggest, "applying the third supply of hot sterile air to the container for about 24 seconds wherein the interior of the container immediately after the applying retains a concentration of hydrogen peroxide of less than .5 PPM," as recited in claim 11, as amended. Further, the cited combination is unable to reach the aforementioned levels of sterilization for a "plastic" container, as claim 11 does. For example, Kelbrick mostly discusses applying sterilant to a cabinet, in which the application of sterilant takes several minutes. Further, there is no suggestion, or teaching, of obtaining the small (i.e., .5 PPM) residual concentration of hydrogen peroxide in a container in Kelbrick. Also, while Caudill discusses, as the Examiner avers, residual hydrogen peroxide levels, there is no suggestion, or teaching, of sterilizing containers of plastic in the speed and level of sterilization as in the present invention. Further, the attained combination in the present invention of residual concentration of hydrogen peroxide (i.e.., .5PPM); application time for the hot sterile drying air (i.e., about 24 seconds); coupled with the type of container (i.e., plastic) *together* has not heretofore been attained by the prior art. These values exceed the ranges obtained individually in the prior art. In sum, the rejection of independent claim 11 should be withdrawn.

In light of the foregoing amendments and arguments, Applicant submits that dependent claims 2-4, 6-7, and 10 are allowable as being dependent upon independent claim 1. Further, Applicant submits that dependent claims 12-14, 16-17, and 20 are allowable as being dependent upon independent claim 11. Finally, Applicant submits that dependent claim 22 is allowable as being dependent upon independent claim 21.

CONCLUSION

In summary, based on the preceding arguments, Applicants respectfully believe that all independent claims and dependent claims meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 6-17-2003

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